

EXHIBIT D

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

**DECLARATION OF
DALE O. FRESCH**

This Document Relates to **ALL
ACTIONS**

**CONFIDENTIAL UNDER
PROTECTIVE ORDER**

1. My name is Dale O. Fresch and I am an associate with the law firm of Brewer, Attorneys & Counselors, which represents several non-party witnesses served with subpoenas for deposition and production of documents in the above-entitled matter. I present the following facts in support of Defendant 3M Company's Response in Opposition to Plaintiffs' Motion for *In Camera* Review:

2. I personally provided legal services to non-party witnesses Gary Hansen, Gary Maharaj, John Rock, Teri Woodwick Sides, and Karl Zgoda (the "Witnesses") in advance of their depositions in this matter.

3. Each of the witnesses sought, and Defendant 3M Company agreed to provide, reasonable reimbursement for the time spent preparing for their depositions as well as any reasonable expenses incurred by the Witnesses in connection therewith.

4. With the exception of Mr. Maharaj, objective criteria were used to establish each of the Witnesses' rates for reimbursement. Witnesses paid at hourly rates at their current places of employment were advised that they would be reimbursed at that rate. Witnesses receiving annual salaries at their current places of employment were advised

they would be reimbursed at hourly rates equal to their gross pay for the year divided by 2,087, the same method the federal government uses to determine its salaried employees' biweekly pay amounts.

5. Although technically a salaried employee, Mr. Maharaj's gross compensation in any given year is driven by company performance-based incentives, and, as a result, is not as easily predicted in advance. However, since Mr. Maharaj is the CEO of SurModics, Inc, a publicly-traded company, his compensation is reported to the SEC and is a matter of public record. His executive compensation in any of the last 5 years yields an hourly rate well in excess of \$500. Nonetheless, Mr. Maharaj agreed to be reimbursed at the hourly rate of \$500.

6. There are no written agreements with the Witnesses regarding these reimbursement arrangements.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 10, 2017

/s/ Dale O. Fresch

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WOODWICK SIDES, AND KARL ZGODA**